

United States District Court

MIDDLE

DISTRICT OF

ALABAMA

In the matter of the Search of
(Name, address or brief description of person, property or
premises to be searched)

**One Hewlett Packard Pavilion laptop computer,
serial #CNF7170654, taken from 101 Oak Ridge
Circle, Enterprise, Alabama**

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 1:07mj79-WC

I David E. Henderson being duly sworn depose and say:

I am a(n) Special Agent, Immigration and Customs Enforcement and have reason to believe
that on the person of or on the property or premises known as (name, description and/or location)

**One Hewlett Packard Pavilion laptop computer, serial #CNF7170654, taken from
101 Oak Ridge Circle, Enterprise, Alabama**

in the Middle District of Alabama

there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attachment A

which is (state one or more bases for search set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

**Evidence of child exploitation and child pornography including violations pertaining to illegal production,
distribution, receipt, and possession of child pornography**

concerning a violation of Title 18, United States Code, Section 2252A.

The facts to support the issuance of a Search Warrant are as follows:

See Attachment A

Continued on the attached sheet and made a part hereof: Yes No


Signature of Affiant

Sworn to before me and subscribed in my presence,

August 28, 2007 at
Date

Wallace Capel, Jr., U.S. Magistrate Judge
Name & Title of Judicial Officer

Montgomery, Alabama

City and State


Signature of Judicial Officer

AFFIDAVIT

I, David E. Henderson, being duly sworn, depose and state:

1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), assigned to the Assistant Special Agent in Charge office in Mobile, Alabama stationed in Montgomery, Alabama. I have been so employed since November of 2000. As part of my daily duties as an ICE agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a) and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also participated in the execution of numerous search warrants many of which involved child exploitation and/or child pornography offenses.

2. This Affidavit is made in support of an application for a search warrant for:

**One Hewlett Packard Pavilion laptop computer, serial
CNF7170654, taken from 101 Oak Ridge Circle,
Enterprise, Alabama (“the SUBJECT PREMISES”).**

3. I am familiar with the information contained in this Affidavit based upon the investigation I have conducted and based on my conversations with other law enforcement officers who have engaged in numerous investigations involving child pornography.

4. Because this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of 18 U.S.C. § 2252A are located within the Hewlett

Packard laptop computer found at the SUBJECT PREMISES. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.

5. As a result of the investigation described more fully below, there is probable cause to believe that evidence, fruits, and instrumentalities of violations of federal law, specifically 18 U.S.C. § 2252A, are present within the Hewlett Packard laptop computer found at the SUBJECT PREMISES.

Investigation

6. On July 31, 2007, officers from the Enterprise, Alabama Police Department along with officers from the Wiregrass Violent Crimes Task Force responded to the SUBJECT PREMISES upon receiving information that an individual, later identified as Jesus Alonso NOLASCO-Gomez, had been viewing images of child pornography on his computer.

7. Upon knocking and announcing at the residence, officers explained the purpose of their visit and obtained verbal and written consent to search the residence, to include all computers, from NOLASCO. Additionally, verbal consent to search the residence was obtained from the renter of record, Maria de Jesus RIVERA and the suspected current owner of the Hewlett Packard laptop computer (serial # CNF7170654), Pablo NUNEZ.

8. Upon searching the SUBJECT PREMISES, officers located the above-listed laptop computer in a bedroom occupied by NUNEZ.

9. Based upon the obtained consent (see para. 7 above), Enterprise Police Department Investigator C. Hurley utilized forensic software to search the contents of the laptop computer. Utilizing the software, Investigator Hurley was able to observe approximately fifteen (15) sexually explicit images involving what appeared to be prepubescent females. Investigator Hurley then stopped his search and seized the laptop computer.

10. Based on the above information, there is probable cause to believe that 18 U.S.C. §2252A, which, among other things, makes it a federal crime for any person to knowingly possess and/or receive child pornography, has been violated, and that evidence of those offenses are located within the above-described laptop computer found at the SUBJECT PREMISES.

11. Based upon the foregoing, this Affiant respectfully requests that this Court issue a search warrant for the Hewlett Packard Pavilion laptop computer, serial # CNF7170654, seized from the SUBJECT PREMISES.



David E. Henderson
Special Agent, ICE

Subscribed and sworn
before me this 28th day of August, 2007

~~HON. WALLACE CAPEL, JR.~~
~~United States Magistrate Judge~~